

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Evelis Otero	Team: Team # 3	CCRB Case #: 201206068	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 05/03/2012 10:20 PM	Location of Incident: § 87(2)(g) [REDACTED]	Precinct: 75	18 Mo. SOL 11/3/2013	EO SOL 11/3/2013	
Date/Time CV Reported Thu, 05/03/2012 10:26 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 05/11/2012 2:12 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Oleg Tryzna	13903	944245	HBK IRT
2. POM Anibal Torres	26253	947862	PSA 2
3. An officer			

Officer(s)	Allegation	Investigator Recommendation
A.POM Oleg Tryzna	Force: PO Oleg Tryzna used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Anibal Torres	Force: PO Anibal Torres used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
C. An officer	Force: An officer struck § 87(2)(b) [REDACTED] with a door.	[REDACTED]

Case Summary

On May 3, 2012, an anonymous woman filed this complaint via telephone with IAB on behalf of § 87(2)(b) generating IAB Log No. 12-24245 (encl. B-1). The aforesaid complaint was forwarded to the CCRB on May 9, 2012. On May 4, 2012, § 87(2)(b)'s wife, also filed a complaint regarding this incident via telephone with IAB, generating IAB Log No. 12-24738 (encl. B-2 – B-3). The aforesaid complaint was forwarded to the CCRB on May 11, 2012.

On May 3, 2012, at approximately 10:20 p.m., § 87(2)(b) was arrested inside of § 87(2)(g) in Brooklyn by PO Oleg Tryzna of the Housing Bureau Brooklyn Impact Response Team. The following allegations resulted from the officer's actions:

- **Allegation A – Force: PO Oleg Tryzna used physical force against § 87(2)(b)**
- **Allegation B – Force: PO Anibal Torres used physical force against § 87(2)(b)**
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
- **Allegation C – Force: An officer struck § 87(2)(b) with a door.**
§ 87(2)(g)
§ 87(2)(g)

Results of Investigation

Civilian Statements

Victim: § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) at the time of the incident. He is a black man who is 5'9" tall, weighs 175 pounds and has black hair and brown eyes.

Statements to Medical Personnel

- The Patient Call Report (PCR) for May 3, 2012 (encl. E-10 – E-11), indicates that § 87(2)(b) complained of general weakness and dehydration. § 87(2)(b) made no allegations against officers to EMS but mentioned that he had been involved in an altercation.
- § 87(2)(b) was treated at § 87(2)(b) on § 87(2)(b) (encl. E-12 – E-25). § 87(2)(b) complained of hypertension and informed medical personnel that he had been involved in an altercation with officers. However, § 87(2)(b) raised no allegations against officers.

Arrest Photograph

§ 87(2)(b)'s arrest photo revealed no visible injuries to his face (encl. C-19).

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on February 7, 2013 (encl. C-15 – C-20). His statement is summarized below.

On May 3, 2012, at approximately 10:20 p.m., § 87(2)(b) exited his apartment, located at § 87(2)(g) § 87(2)(b), in Brooklyn, and entered the stairwell. § 87(2)(b) was dressed in a black hooded sweatshirt and black sweatpants. § 87(2)(b) noticed "paraphernalia" scattered all over the stairs. When asked to explain, he stated that it appeared as if someone had been smoking in the stairwell prior to his arrival because there was what appeared to be the inside of a cigar strewn all over the stairs. No one was in the stairwell at the time besides § 87(2)(b). § 87(2)(b) never smoked marijuana or regular cigarettes while in the stairwell. § 87(2)(b) immediately walked down the stairs.

§ 87(2)(b) was half way down the stairs towards the § 87(2)(b) floor when he encountered two uniformed officers, who he identified by name as PO Anibal Torres of Police Service Area 2 (PSA 2) and PO Oleg Tryzna of

the Housing Bureau Brooklyn Impact Response Team. § 87(2)(b) obtained the names of the officers by looking at their nameplates during this incident. PO Torres asked § 87(2)(b) where he was coming from and where he was going. § 87(2)(b) started to back away from the officers and went up the stairs, towards the § 87(2)(b) floor landing. As § 87(2)(b) backed away, he tried explaining that he had just come from his apartment and that he was only going to the store. He asked them to come with him to confirm that he resides in the building. The officers observed the “paraphernalia” strewn in the stairwell and PO Torres asked § 87(2)(b) if he had been smoking. § 87(2)(b) denied smoking.

PO Torres instructed § 87(2)(b) to put his hands behind his back but he refused and continued to back away. PO Torres explained to § 87(2)(b) that he was under arrest for smoking. PO Torres grabbed § 87(2)(b) by the front of his hooded sweatshirt but he immediately pulled away. § 87(2)(b) acknowledged that he resisted arrest because he believed there was no reason to arrest him. PO Torres then grabbed § 87(2)(b)'s arm. PO Tryzna and PO Torres then punched § 87(2)(b) repeatedly on the face and chest, approximately 12 to 15 times, causing contusions. One of the officers then grabbed § 87(2)(b)'s legs and lifted them to take him down to the ground. § 87(2)(b) landed on his side and hit his head upon impact with the ground.

Once on the ground, § 87(2)(b) used his arms to shield himself from the officers who started to kick him all over his body approximately 10 times. After kicking him, the officers handcuffed § 87(2)(b). PO Torres stepped aside at this time. PO Tryzna complained to § 87(2)(b) saying, “You see what happens when you resist? You see what you made us do?” PO Tryzna then punched § 87(2)(b) approximately 3 to 5 times. PO Torres remained nearby and observed his partner assaulting § 87(2)(b). § 87(2)(b) started to yell and scream, drawing the attention of his mother, § 87(2)(b) his sister, § 87(2)(b) his wife, § 87(2)(b) and his neighbor from § 87(2)(b) whose name is possibly § 87(2)(b) or § 87(2)(b). All of the aforementioned individuals observed PO Tryzna assaulting § 87(2)(b) while handcuffed. § 87(2)(b) stated that § 87(2)(b) did not want to participate in this investigation.

Shortly thereafter, § 87(2)(b) was removed from the scene and transported to the PSA 2 stationhouse. § 87(2)(b) was subsequently transported to § 87(2)(b). § 87(2)(b) did not witness what happened to his mother. § 87(2)(b) stated that his mother later informed him that an officer slammed a door on her arm causing it to fracture.

Victim: § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) at the time of the incident. She is a black woman who is 5’6” tall, weighs 225 pounds and has black hair and brown eyes.
- § 87(2)(b) is the mother of § 87(2)(b)

Statements to Medical Personnel

- § 87(2)(b) was treated at § 87(2)(b) on § 87(2)(b) (encl. E-1 – E-9). § 87(2)(b) informed medical personnel that she was assaulted by officers and complained of pain and swelling to her left forearm.

Off the Record Comments

- Prior to her CCRB interview, in the presence of the undersigned investigator, § 87(2)(b) communicated via cell phone with an unidentified individual in the civilian waiting room at the CCRB. § 87(2)(b) asked this individual for details regarding this incident, asking this individual to coach her and remind her what to say during her interview.

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on August 16, 2012 (encl. C-4 – C-9). Her initial phone statement on June 19, 2012 (encl. C-3) § 87(2)(g)

On May 3, 2012, at approximately 10:20 p.m., § 87(2)(b) was inside of her apartment, located at § 87(2)(b), in Brooklyn when one of her neighbors, § 87(2)(b) of § 87(2)(b) knocked on her door and informed her that officers had apprehended her son, § 87(2)(b). § 87(2)(b) does not know § 87(2)(b)'s last name and did not have contact information for her. § 87(2)(b) immediately exited her apartment. Prior to § 87(2)(b)'s encounter with the officers, he had been sitting in the stairwell leading to the roof, listening to music and rapping. § 87(2)(b) was unable to estimate how long her son was in the stairwell for prior to his encounter with the officers.

When § 87(2)(b) exited her apartment, she observed § 87(2)(b) laying on face up on the stairwell landing leading to the roof. An officer, identified via the investigation as PO Anibal Torres, had his knee pressed against § 87(2)(b)'s neck and said, "Stay still. Stay still. I told you not to move." Standing nearby was another officer, identified via the investigation as PO Oleg Tryzna. During her initial phone statement, § 87(2)(b) claimed that PO Torres had his knee, not his foot, pressed against § 87(2)(b)'s neck. § 87(2)(b) noticed that the glass of a nearby wall had been cracked and assumed that § 87(2)(b) had been thrown against it, but she did not witness this. § 87(2)(b) approached the roof landing and remained in the hallway by the door leading to the roof. § 87(2)(b) propped the metal door open with her forearm and observed the encounter. § 87(2)(b) was with her daughter, § 87(2)(b), § 87(2)(b)'s wife, § 87(2)(b), § 87(2)(b), § 87(2)(b)'s unidentified sister, § 87(2)(b)'s mother, § 87(2)(b) and § 87(2)(b)'s unidentified boyfriend.

§ 87(2)(b) asked the officer to take his foot off of her son. PO Tryzna instructed her to "Mind her business," and to go back downstairs. § 87(2)(b) refused to comply. § 87(2)(b) informed the officers that § 87(2)(b) was her son and that she wanted to speak with him. § 87(2)(b) noticed that one of § 87(2)(b)'s shoes was off. PO Tryzna roughly put his shoe back on. § 87(2)(b) demanded to know why the officer put on § 87(2)(b)'s shoe back on in that fashion. PO Tryzna repeatedly instructed § 87(2)(b) to go back downstairs but she refused to comply and informed the officers that she was going to remain watching what they were going to do with her son. § 87(2)(b) yelled, "Mom, help me. I didn't do anything." PO Tryzna instructed § 87(2)(b) to get back approximately five to six times, but she would not comply. § 87(2)(b) was within arm's reach of her son. § 87(2)(b) did not do anything past protesting the officers' actions and refusing to move. More than 10 officers in both uniform and plainclothes arrived on the scene shortly thereafter. § 87(2)(b) was unable to provide physical descriptions for the additional officers that arrived on the scene.

Once the additional officers arrived on the scene, PO Torres and several other officers handcuffed § 87(2)(b). After handcuffing § 87(2)(b) the officers walked him downstairs. An unidentified officer, PO1, approached § 87(2)(b) instructed her to move and slammed the stairwell door shut, striking her on the elbow. § 87(2)(b) described PO1 as a White or Hispanic man who was 5'8" tall, bald and had a light complexion. PO1 wore plainclothes business attire, which she described as a yellow shirt and black slacks. The impact caused a fracture to her arm. During her initial phone statement, § 87(2)(b) stated that she had only been pushed by PO1. § 87(2)(b) never claimed to have been struck with a door during her initial phone statement. § 87(2)(b) left the location and went to the stationhouse to find out information about her son and about the officer who struck her with the door. § 87(2)(b) was unable to obtain information for either, so she left the stationhouse and went to § 87(2)(b) for medical treatment.

Complainant/Witness: § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) at the time of the incident. She is a black woman who is 5'4" tall, weighs 155 pounds and has brown hair and brown eyes.
- § 87(2)(b) is § 87(2)(b)'s wife.

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on February 7, 2013 (encl. C-10 – C-14). § 87(2)(g)

§ 87(2)(g)

On May 3, 2012, at approximately 10:20 p.m., § 87(2)(b) was asleep inside of § 87(2)(b), in Brooklyn, when she was awakened by § 87(2)(b) who informed her that § 87(2)(b) was being assaulted by the police. § 87(2)(b) did not provide § 87(2)(b) any details regarding the alleged assault. § 87(2)(b) quickly got up and exited the apartment with § 87(2)(b).

§ 87(2)(b) and § 87(2)(b) entered the § floor stairwell and observed § 87(2)(b) handcuffed and lying on the ground face down with two uniformed officers, identified via the investigation as PO Torres and PO Tryzna, standing nearby. § 87(2)(b) was unable to provide physical descriptions for any of the officers involved in this incident. One of the officers, identified via the investigation as PO Torres, had his foot on the back of § 87(2)(b)'s neck. § 87(2)(b) indicated that the stairwell smelled like someone had been smoking (regular tobacco) cigarettes. She assumed that § 87(2)(b) was smoking cigarettes in the stairwell and subsequently stopped by the officers. § 87(2)(b) noted that both she and § 87(2)(b) are aware that smoking in the stairwell is prohibited.

§ 87(2)(b) and § 87(2)(b) asked the officers what happened. § 87(2)(b) also asked PO Torres to take his foot off her son's neck. The officers instructed § 87(2)(b) and § 87(2)(b) to step back, which they did. However, neither left the location. § 87(2)(b) held the stairwell door open with her arm while § 87(2)(b) stood behind her. Both wanted to see what was going to happen with § 87(2)(b).

Shortly thereafter, several unidentified officers arrived on the scene. An unidentified plainclothes officer, PO1, instructed § 87(2)(b) and § 87(2)(b) to move. However, PO1 did not allow them time to move. Instead, PO1 pushed § 87(2)(b) with two hands on her chest immediately after issuing his directive. § 87(2)(b) moved back, colliding with § 87(2)(b) who was pregnant at the time. § 87(2)(b) did not suffer any injuries. After pushing § 87(2)(b) PO1 slammed the stairwell door shut. § 87(2)(b) was never struck with the door. § 87(2)(b) observed § 87(2)(b) holding her arm, cradling it, and complaining of pain. However, § 87(2)(b) did not know why § 87(2)(b) had pain to her arm.

Attempts to Identify and Contact Additional Witnesses

- § 87(2)(g)

NYPD Statements

Subject Officer: PO ANIBAL TORRES

- PO Torres was § 87(2)(b) old at the time of the incident. He is a Hispanic man who is 5'7" tall, weighs 170 pounds, is bald and has brown eyes.
- On the day of the incident, PO Torres was assigned to the Condition's Team at Police Service Area 2 (PSA 2). He worked in uniform from 5:30 p.m. on May 3, 2012 to 2:05 a.m. on May 4, 2012, with PO Oleg Tryzna.
- Since the time of the incident, PO Torres was transferred PSA 2 to the Brooklyn Gang Squad.

Memo Book

PO Torres' memo book notes verbatim that: "At 10:20 p.m., one male black observed on roof landing smoking marijuana cigar. § 87(2)(b) DOB § 87(2)(b). Defendant kicked and punched at officers attempting to effect arrest. Defendant crossed his arms, refusing to be handcuffed. Force used to effect arrest. At 10:34 p.m., 10-92 (arrest) by PO Tryzna (encl. D-13 – D-15)."

CCRB Testimony

PO Torres was interviewed at the CCRB on May 31, 2013 (encl. D-16 – D-18). His statement is summarized below.

On May 3, 2012, at approximately 10:20 p.m., PO Torres and PO Tryzna were conducting a vertical patrol inside of § 87(2)(b) in Brooklyn when they observed a man, later identified as § 87(2)(b) smoking a marijuana cigar in plain view while rapping into a tape recorder on the roof landing. The officers approached § 87(2)(b) who was initially mellow, but immediately became nervous at the sight of the officers and snuffed the cigar out on the ground. Only PO Torres spoke with § 87(2)(b). PO Torres informed § 87(2)(b) that he could not be on the roof landing and pointed to a sign on the wall which stated that it was a violation to do so. § 87(2)(b) acknowledged that he was aware of the violation. PO Torres told § 87(2)(b) that they were going to take him to the stationhouse, run his name for warrants and release him with a Desk Appearance Ticket (DAT) if he had no active warrants.

§ 87(2)(b) tried to get past the officers, saying that he wanted to go to his apartment, but the officers did not allow him to get past them. § 87(2)(b) then asked whether they could run his name from his apartment, which raised PO Torres' suspicion. PO Torres believed by § 87(2)(b)'s nervous behavior and responses that he likely had an active warrant. PO Torres instructed § 87(2)(b) to walk down to his partner, who was on the § 87(2)(b) floor landing. § 87(2)(b) complied. PO Torres followed one step behind § 87(2)(b) and was positioned on his left. § 87(2)(b) looked left and right nervously. PO Torres feared that § 87(2)(b) might reach for his gun, as his gun was holstered on his right side, so he bladed his body. As soon as PO Torres bladed his body, § 87(2)(b) placed a hand behind PO Torres' back and attempted to push him down the stairs. PO Torres spun around, lost his balance and fell down the stairs. As he fell, PO Torres grabbed onto § 87(2)(b)'s waist and brought him down with him. Both PO Torres and § 87(2)(b) fell onto the § 87(2)(b) floor landing, positioned on the side of their bodies. PO Torres sustained only minor abrasions as a result. PO Torres never sought medical treatment.

PO Torres turned and attempted to handcuff § 87(2)(b) who immediately started punching at the officers. PO Tryzna was bent over § 87(2)(b) attempting to grab his arms. § 87(2)(b) did not strike any of the officers when he punched at them. PO Torres managed to place a handcuff on one of § 87(2)(b)'s wrists. § 87(2)(b) continued to resist by screaming for help and kicking. PO Torres was kicked three to four times. PO Torres did not recall whether PO Tryzna was struck by § 87(2)(b). PO Torres punched § 87(2)(b) three to four times on his mid torso, but it had no effect on him. § 87(2)(b) kicked at PO Torres in response to the punches. PO Torres stated that PO Tryzna possibly brandished his asp but he was uncertain.

§ 87(2)(b)'s screams alerted the tenants on the § 87(2)(b) floor. § 87(2)(b)'s mother, § 87(2)(b) wife, § 87(2)(b) and possibly § 87(2)(b)'s cousin entered the stairwell and interfered with his arrest by pulling and tugging on the officers' uniforms. Approximately 20 individuals were also in the hallway watching this incident. The individuals in the hallway banged on a glass that separates the hallway from the stairwell, shattering one of the panels. PO Torres yelled, "Get the fuck back," to the family members of § 87(2)(b) and they complied. § 87(2)(b) tucked his arms underneath him and continued to resist arrest. The officers then called for backup.

Backup arrived within 30 to 40 seconds. PO Torres was only able to identify Sergeant Giuseppe Ganci of PSA 2 as one of the officers that arrived as backup. There were several officers in uniform and in plainclothes. Four unidentified officers assisted PO Torres and PO Tryzna with handcuffing § 87(2)(b). PO Torres did not kick § 87(2)(b). None of the officers kicked § 87(2)(b). PO Torres did not see any other officer punching § 87(2)(b). None of the officers pressed a knee or foot against § 87(2)(b)'s neck. PO Torres recalled placing his knee against § 87(2)(b)'s back during the struggle while attempting to restrain and handcuff him. It took five minutes for the six officers to handcuff § 87(2)(b). § 87(2)(b) continued to squirm and refused to walk. The four unidentified officers had to grab him by his arms and legs in order to escort him out of the building. § 87(2)(b) did not have any visible injuries. None of the officers punched § 87(2)(b) while handcuffed. § 87(2)(b) attempted to get past the officers to reach her son as they were escorting him, but an unidentified officer pushed her back to stop her. PO Torres could not recall seeing an officer slamming a door on § 87(2)(b)'s arm or elbow. § 87(2)(b) did not have any visible injuries nor did she have her arm in a sling. § 87(2)(b) was then transported to the stationhouse.

Approximately 10 minutes later, § 87(2)(b) was lodged into the stationhouse. § 87(2)(b) arrived and spoke with the unidentified desk officer and with Sergeant Ganci. § 87(2)(b) had her arm in a sling at this time. § 87(2)(b) claimed that PO Torres was wearing an orange shirt during the incident. She

also claimed that PO Torres pushed her and fractured her arm. PO Torres was uniformed during this incident and never wore an orange shirt. § 87(2)(b) informed the officers that she was going to file a lawsuit against PO Torres for his actions. PO Torres could not recall if § 87(2)(b) was escorted to the hospital.

Subject Officer: PO OLEG TRYZNA

- *PO Tryzna was § 87(2)(b) old at the time of the incident. He is a white male who is 6' tall, weighs 190 pounds and has black hair and brown eyes.*
- *On the day of the incident, PO Tryzna worked the same assignment and tour as PO Torres.*
- *Since the time of the incident, PO Tryzna was transferred from Housing Bureau Brooklyn Impact Response Team to PSA 2.*

Criminal Complaint and Arrest Reports

§ 87(2)(b)

§ 87(2)(b) was charged § 87(2)(b)

His physical condition was listed as sick, treated and released.

Memo Book

PO Tryzna's memo book notes verbatim that: "At 10:20 p.m., one male black stopped on roof landing at § 87(2)(b) § 87(2)(b). Defendant kicked, punched at officers who were attempting to effect the arrest. Defendant crossed his arms, refusing to be handcuffed. Force used to effect arrest (encl. D-6 –D-10)."

CCRB Testimony

PO Tryzna was interviewed at the CCRB on May 10, 2013 (encl. D-11 – D-12). § 87(2)(g)

When the officers attempted to handcuff § 87(2)(b) he became violent and combative. § 87(2)(b) immediately pushed past PO Torres and attempted to walk away. PO Torres grabbed onto § 87(2)(b)'s arm in response and attempted to place his hands behind his back. PO Tryzna also grabbed § 87(2)(b)'s arm, but he resisted arrest by punching and kicking at the officers. § 87(2)(b) punched PO Tryzna several times on his arm, in an attempt to escape. PO Tryzna was unable to estimate how many times he was punched on the arm, but he recalled that he sustained swelling as a result. PO Tryzna did not seek medical treatment. § 87(2)(b) continued to fight with the officers, causing himself and the officers to fall down the stairs. The officers struggled with § 87(2)(b) on the roof landing, rolled down the stairs with him, and also struggled with him in the middle of the stairs and on the § 87(2)(b) floor landing. Neither PO Tryzna nor PO Torres punched § 87(2)(b). Neither PO Tryzna nor PO Torres stepped on or knelt § 87(2)(b)'s neck. PO Tryzna was unable to further articulate the details of this struggle, but stated that the only force used was grabbing and pulling § 87(2)(b)'s hands to handcuff him.

The officers struggled with § 87(2)(b) for approximately five minutes and were still unable to overcome his resistance. They called for assistance and over 20 unidentified officers arrived shortly thereafter. Both uniformed and plainclothes officers arrived to assist, but PO Tryzna was unable to identify any of these officers. PO Tryzna could not recall if a supervisor arrived on the scene. Ultimately, § 87(2)(b) was handcuffed while he was on the floor with the assistance of additional officers. It took over five minutes to finally subdue § 87(2)(b). Approximately five or six tenants came to observe and record this incident. None of the tenants approached the officers or interfered. PO Tryzna did not interact with these tenants, but recalled that one of the tenants identified herself as a family member of § 87(2)(b)'s. PO Tryzna did not see any officer slam the stairwell door on any of the tenants otherwise pushing them. PO Tryzna did not see any officer interacting with any of the tenants.

Once § 87(2)(b) was handcuffed, he was removed from the location. He continued to resist even while handcuffed by attempting to escape. PO Tryzna recalled that § 87(2)(b) had contusions on his arm, but could not recall if he was escorted to the hospital.

Officers Not Interviewed

- § 87(2)(g) [REDACTED]
[REDACTED].

Medical Records

- § 87(2)(a) [REDACTED]
[REDACTED]
[REDACTED]
- § 87(2)(b) was treated at § 87(2)(b) on § 87(2)(b) (encl. E-12 – E-25). § 87(2)(a) [REDACTED]
[REDACTED]
- § 87(2)(b) was treated at § 87(2)(b) on § 87(2)(b) (encl. E-1 – E-9). X-Rays were taken of § 87(2)(b)'s left elbow and left forearm. § 87(2)(a) [REDACTED]
[REDACTED]

NYPD Documents

SPRINT Reports

SPRINT report number § 87(2)(b) (encl. F-13 – F-16) lists one under arrest at 10:30 p.m. At 10:32 p.m., the patrol sergeant arrived on the scene. At 10:35 p.m., a lieutenant also arrived on the scene.

SPRINT report number § 87(2)(b) (encl. F-17) indicates that an anonymous woman called 911 at § 87(2)(b) and reported that a male was being assaulted on the roof. There was no call back number for the anonymous woman.

PSA 2 Command Log

According to the Command Log for May 3, 2012 (encl. F-18), § 87(2)(b) was lodged into the stationhouse at 10:50 p.m. His physical and mental conditions were listed as abrasions to elbow.

Disposition of Arrest for Incident

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
[REDACTED]

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]

- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Status of Civil Proceedings

- According to the NYC Comptroller's Office, no Notice of Claim has been filed regarding this incident, as of April 9, 2013, which is more than 8 months past the expiration of the 90-day filing deadline (encl. H-23).

CCRB History of Civilians

- Neither § 87(2)(b) nor § 87(2)(b) have filed a CCRB complaint prior to this incident (encl. A-3 – A-4).
- § 87(2)(b) filed one CCRB complaint prior to this incident (encl. A-5):
 - § 87(2)(b)

CCRB History of Subject Officers

- PO Tryzna and PO Torres have both been a members of service for 5 and 4 years respectively and neither have substantiated CCRB allegations against them (encl. A-1 – A-2).

Conclusion

Investigative Findings and Recommendations

Identification of Subject Officers

- PO Torres and PO Tryzna acknowledged interacting with § 87(2)(b) § 87(2)(g).
- § 87(2)(b) was unable to identify the officer who allegedly struck her with a door. § 87(2)(g)

Allegation A – Force: PO Oleg Tryzna used physical force against § 87(2)(b)

Allegation B – Force: PO Anibal Torres used physical force against § 87(2)(b)

It is undisputed that § 87(2)(b) was uncooperative and combative with the officers during this incident. It is undisputed that § 87(2)(b) resisted arrest by attempting to flee and pulling away from the officers when they attempted to handcuff him. Both PO Tryzna and PO Torres added that § 87(2)(b) punched and kicked at them during this incident and that his resistance caused them to fall down the stairs. PO Tryzna denied using any additional force besides pulling and grabbing § 87(2)(b)'s arms to place them behind his back. PO Torres, however, acknowledged punching § 87(2)(b) three to four times in his mid-torso in response to being kicked three to four times by § 87(2)(b) § 87(2)(g).

Both officers denied kicking § 87(2)(b). Both officers also denied punching § 87(2)(b) after he was handcuffed. Although § 87(2)(b) claimed that his mother, § 87(2)(b) and his wife, § 87(2)(b) witnessed the alleged assault after he had been handcuffed § 87(2)(g). Both § 87(2)(b) and § 87(2)(b) claimed only that they saw PO Torres placing either his foot or knee against § 87(2)(b)'s neck as he lay on the ground handcuffed, § 87(2)(g).

The Patient Call Report (PCR) for § 87(2)(b) (encl. E-10 – E-11), indicates that § 87(2)(b) complained of general weakness and dehydration. § 87(2)(b) made no allegations against officers to EMS but mentioned that he had been involved in an altercation. EMS noted that § 87(2)(b) had an abrasion to his elbow. § 87(2)(b) was treated at § 87(2)(b) on § 87(2)(b) (encl. E-12 – E-25). § 87(2)(b) complained of hypertension and informed medical personnel that he had been involved in an altercation with officers. However, § 87(2)(b) raised no allegations against officers. § 87(2)(a)

NYPD Patrol Guide Procedure 203-11, states that officers can use minimum force necessary to effect an arrest of a violent or resisting individual (encl. AA-1 – AA-2).

§ 87(2)(g)

§ 87(2)(g)

Allegation C – Force: An officer struck § 87(2)(b) with a door.

§ 87(2)(b) stated that she went to the stairwell leading to the roof of § 87(2)(g) and watched son, § 87(2)(b) being handcuffed by several officers. § 87(2)(b) claimed that as she watched the incident unfold, she held the metal stairwell door open with her forearm. § 87(2)(b) alleged that an unidentified officer approached, ordered her to move, and then slammed the stairwell door shut, striking on her elbow. § 87(2)(b) claimed that the impact caused a fracture to her arm. § 87(2)(b) was unable to identify the officer who allegedly struck her with a door.

PO Tryzna and PO Torres denied witnessing the allegation. PO Torres, however, stated that § 87(2)(b) along with other family members, interfered with § 87(2)(b)'s arrest by pulling at the officers' uniforms and were ordered to get back. Additionally, PO Torres stated that § 87(2)(b) who had no visible physical injuries during this incident, appeared at the stationhouse with her arm in a sling, shortly after § 87(2)(b) had been lodged in the holding cells. When § 87(2)(b) arrived at the stationhouse, she claimed that PO Torres was wearing an orange shirt during the incident. She also claimed that PO Torres pushed her and fractured her arm. PO Torres was uniformed during this incident and never wore an orange shirt.

§ 87(2)(b) did not witness the allegation. § 87(2)(b)'s wife, § 87(2)(b), § 87(2)(g) According to § 87(2)(b) both she and § 87(2)(b) were ordered to move. However, § 87(2)(b) stated that the officer never struck § 87(2)(b) with the stairwell door. Instead, the officer merely pushed § 87(2)(b) back and after she had been pushed out of the way, the officer closed the door.

§ 87(2)(b) was treated at § 87(2)(b) on § 87(2)(b) (encl. E-1 – E-9). X-Rays were taken of § 87(2)(b)'s left elbow and left forearm. § 87(2)(a)

During her initial phone statement, she claimed that she had only been pushed by an officer, but later claimed during her in-person CCRB statement that an officer struck her with a door. § 87(2)(b), § 87(2)(g)

Team: 3

Investigator: _____	<u>Evelis Otero</u>	<u>06/28/2013</u>
Signature	Print	Date

Supervisor: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date